

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 20-1111V

UNPUBLISHED

KATHLEEN BELDON,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: December 15, 2021

Special Processing Unit (SPU);
Damages Decision Based on Proffer;
Influenza (Flu) Vaccine; Guillain-
Barre Syndrome (GBS)

Simina Vourlis, Law Offices of Simina Vourlis, Columbus, OH, for Petitioner.

Mark Kim Hellie, U.S. Department of Justice, Washington, DC, for Respondent.

DECISION AWARDING DAMAGES¹

On September 1, 2020, Kathleen Beldon filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² (the “Vaccine Act”). In order to correct the misspelling of her first name, Petitioner filed an amended petition on April 21, 2021. ECF No. 20. Petitioner alleges that she suffered Guillain-Barré Syndrome (“GBS”) caused-in-fact by the influenza (“flu”) vaccine she received on September 13, 2018. Petition at 1, ¶¶ 1, 50. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On May 10, 2021, a ruling on entitlement was issued, finding Petitioner entitled to compensation for her GBS. On December 15, 2021, Respondent filed a proffer on award of compensation (“Proffer”) indicating Petitioner should be awarded \$92,490.00, representing compensation in the amount of \$90,000.00 for her pain and suffering and

¹ Because this unpublished Decision contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the Decision will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all Section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

\$2,490.00 for her unreimbursed, out-of-pocket medical expenses. Proffer at 1. In the Proffer, Respondent represented that Petitioner agrees with the proffered award. *Id.* at 2. Based on the record as a whole, I find that Petitioner is entitled to an award as stated in the Proffer.

Pursuant to the terms stated in the attached Proffer, **I award Petitioner a lump sum payment of \$92,490.00, representing compensation in the amount of \$90,000.00 for her pain and suffering and \$2,490.00 for her unreimbursable expenses in the form of a check payable to Petitioner.** This amount represents compensation for all damages that would be available under Section 15(a).

The clerk of the court is directed to enter judgment in accordance with this decision.³

IT IS SO ORDERED.

s/Brian H. Corcoran

Brian H. Corcoran
Chief Special Master

³ Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by the parties' joint filing of notice renouncing the right to seek review.

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Case No. 20-1111V (ECF)
CHIEF SPECIAL MASTER
CORCORAN

RESPONDENT’S PROFFER ON AWARD OF COMPENSATION

I. Procedural History

On May 10, 2021, respondent filed a Vaccine Rule 4(c) report concluding that Kathleen Beldon (“petitioner”) suffered an injury that is compensable under the National Childhood Vaccine Injury Act of 1986, as amended, 42 U.S.C. §§ 300aa-10 to -34 (“the Act”). Accordingly, on May 10, 2021, the Chief Special Master issued a Ruling on Entitlement, finding that petitioner was entitled to compensation under the Act.

II. Items of Compensation and Form of the Award

Based upon the evidence of record, respondent proffers that petitioner should be awarded \$92,490.00. The award is comprised of the following: \$90,000.00 for pain and suffering and \$2,490.00 for unreimbursed, out-of-pocket medical expenses. This amount represents all elements of compensation to which petitioner would be entitled under

42 U.S.C. § 300aa-15(a) regarding her September 13, 2018, influenza vaccination.

Petitioner agrees.¹

III. Form of the Award

The parties recommend that compensation provided to petitioner should be made through a lump sum payment of \$92,490.00, in the form of a check payable to petitioner.

Petitioner agrees.

Petitioner is a competent adult. Evidence of guardianship is not required in this case.

Respectfully submitted,

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Acting Director
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Torts Branch, Civil Division

¹ Should petitioner die prior to entry of judgment, the parties reserve the right to move the Court for appropriate relief. In particular, respondent would oppose any award for future medical expenses, future lost earnings, and future pain and suffering.

s/ Mark K. Hellie

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